

REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1-66 are pending in this application. Claims 1-66 have been rejected. In this response, claims 1-11 and 13-16 have been amended. Claims 12 and 16-66 have been cancelled. Claims 76-105 have been newly added. No new matter has been added.

Reconsideration and withdrawal of the rejections set forth in the Office Action dated November 5, 2008, are respectfully requested in view of the remarks below.

35 U.S.C. § 103 Rejections

Claims 1-11 and 13-16

The Examiner has rejected claims 1-66 under 35 U.S.C. §103(a) as being allegedly unpatentable over Tomada et al., (U.S. Patent 5,832,229) in view of Hunt et al. (U.S. Patent 5,893,091), and Miller (U.S. Patent 5,727,002). Claims 12 and 16-66 have been cancelled. Applicant respectfully disagrees.

I. The cited references do not disclose all the subject matter in the independent claim 1

Applicant respectfully submits that when viewed as a whole, the cited references do not show the subject matter recited in the pending claims.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.
In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Applicant respectfully submits that the combination of Tomada, Hunt, and Miller do not render obvious applicants independent claims since either when viewed individually or as a whole, since Tomada, Hunt, and Miller do not disclose each and every element of independent claim 1.

Reference 'Tomada'

Tomada does not disclose "passing corrective data through the network via a bi-directional delivery protocol".

Tomada does not disclose "performing error correction to reduce packet loss using checksums".

Tomada does not disclose that "video data is multicasted through the network in uncompressed form".

Tomada describes a multicast communication system that allows users to join or leave multicast groups (Tomada, Title). The multicast communication scheme of Tomada enables a user to easily the multicast groups existing on a network with ease, to join a desired multicast group, and to easily specify a desired communication quality (Tomada, Abstract).

However, applicant submits that Tomada's teachings are limited managing the multiple multicasting groups for the use and adjusting the communication quality of the multicast communications for the users. Tomada, in fact, does not even mention the problem of error correction. Nor does Tomada discuss any possible mechanisms for remedying the errors that occur due to packet loss in the multicast communications system.

Specifically, Tomada does not teach "passing corrective data through the network via a bi-directional delivery protocol" and "performing error correction to reduce packet loss using checksums", as claimed in independent claim 1.

Furthermore, Tomada does not teach that "video data is multicasted through the network in uncompressed form".

The Examiner acknowledges this.

The Examiner states that "Tomada et al. do not explicitly disclose the video and audio data in an uncompressed form through network" (Page 2 of Office Action mailed November 5, 2008).

Neither Hunt nor Miller cures the deficiency.

Reference 'Hunt'

Hunt does not disclose "passing corrective data through the network via a bi-directional delivery protocol".

Hunt does not disclose "performing error correction to reduce packet loss using checksums".

Hunt does not disclose that "video data is multicasted through the network in uncompressed form".

Hunt describes multicasting with keywords (Title, Hunt). The method of Hunt includes distributing timely information over a computer network where a Timely Information Server connects and organizes information from Timely Information Providers and then broadcasts the organized information to end users in the form of an alert over a plurality of alert channels (Abstract, Hunt).

Although Hunt appears to mention performing error correction ("It monitors the multicast groups in order to detect missing packets, apply error correction and decrypt encrypted channels" Col. 13 lines 39-41), Hunt also does not describe the teachings of "passing corrective data through the network via a bi-directional delivery protocol" and "performing error correction to reduce packet loss using checksums", as claimed in independent claim 1. Nor does Hunt teach that "video data is multicasted through the network in uncompressed form".

Thus, applicant submits that at least for the above stated reasons, the independent claim 1 is patentable over Tomada, Hunt, and the alleged combination of Tomada and Hunt, without admitting to the propriety of combining Tomada and Hunt.

Based on similar reasoning and arguments, applicant further submits that the newly added independent claims 67, 70, 76, 82, 85, and 101 are also patentable over Tomada and Hunt, and the alleged combination of Tomada and Hunt.

Thus, at least for the above stated reasons, the withdrawal of the rejection for independent claim 1 under 35 U.S.C. §103(a) is respectfully requested.

Reference 'Miller'

Miller does not disclose "passing corrective data through the network via a bi-directional delivery protocol".

Miller does not disclose "performing error correction to reduce packet loss using checksums".

Miller does not disclose that "video data is multicasted through the network in uncompressed form".

Miller describes methods for transmitting data (title, Miller).

Miller does not describe the teachings of "passing corrective data through the network via a bi-directional delivery protocol" and "performing error correction to reduce packet loss using checksums", as claimed in independent claim 1.

Nor does Miller teach that "video data is multicasted through the network in uncompressed form".

The Examiner states that "Tomada et al do not explicitly disclose the video and audio data in an uncompressed form through the network, but Miller et al in col. 13 lines 32-49 discloses that the data file is then read in from the tape or floppy into a file system of the transmission server. Therefore, it is obvious for one of ordinary skill in the art to employ Miller's invention ..." (Page 2 of Office action dated November 5, 2008).

Applicant respectfully disagrees.

Although Miller describes that data files can be uploaded unto a server in uncompressed form, Miller does not specify the format of the data, in particular video data, that is being multicasted through a network.

For example, in Miller:

"...Files to be transferred to clients can be loaded onto the server 20 via tape or, if the files are small enough, by floppy. ...

The data file is then read in from the tape or floppy into a file system of the transmission server 20. Note that the server must have sufficient space available to read in an uncompressed copy of the data file" (Column 13, lines 32-39)

The description of Miller relied upon by the Examiner is limited to describing the format of the data being uploaded onto a server/computer system from a storage medium, and is unrelated to the format of the data being transmitted during multicasting over a network. Thus, Miller does not teach that "video data is multicasted through the network in uncompressed form", as claimed in independent claim 1.

Thus, applicant submits that at least for the above stated reasons, independent claim 1 is patentable over Tomada, Hunt, Miller and the alleged combination of Tomada, Hunt, and Miller, without admitting to the propriety of combining Tomada, Hunt, and Miller. Based on similar reasoning and arguments, applicant further submits that the newly added independent claims 67, 70, 76, 82, 85, and 101 are also patentable over Tomada, Hunt, and Miller, and the alleged combination of Tomada, Hunt, and Miller.

Thus, at least for the above stated reasons, the withdrawal of the rejection for the independent claim 1 under 35 U.S.C. §103(a) is respectfully requested.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim. Therefore, the remaining dependent claims are also patentable over the cited references. The withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested for claims 2-11 and 13-16.

CONCLUSION

In light of the amendments and the preceding arguments, the applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance.


If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4306 to arrange for such a conference.

No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,

Date:

1/29/2009



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